

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, :
 :
Plaintiff, :
 :
-vs- : CASE NO. 2:11-CR-010(1)
 :
SEAN D. MURPHY, : JUDGE SMITH
 :
Defendant. :

PROPOSED JURY INSTRUCTIONS OF SEAN MURPHY

SEAN MURPHY'S REQUESTED JURY INSTRUCTION #1
(Accomplice Testimony)

You have heard the testimony from accomplices. This testimony needs to be examined with greater care than that of the ordinary witness.

Although the testimony of an accomplice does not become inadmissible because of his complicity, this admission affects his credibility and makes his testimony subject to grave suspension. It requires that you weigh it with great caution.

It is for you as jurors in the light of all the facts presented to you by this witness, to evaluate his testimony and determine its quality and worth or its lack of quality and worth.

The use of informers, accessories, accomplices, false friends, or any of the other betrayals which are dirty business may raise serious questions of credibility. On Lee v. United States, 343 U.S. 747, 72 S.Ct. 967 (1952), at 757.

SEAN MURPHY'S PROPOSED INSTRUCTION #2

Testimony through the accomplices also reveal the possibility of drug addiction on their part. You as a jury should consider their testimony with great care since an addict has a need for drugs and money to support his habit. A fear of incarceration is more prevalent in an addict since he loses access to drugs upon imprisonment.

SEAN MURPHY'S REQUESTED JURY INSTRUCTION #3
(Testimony pursuant to a plea bargain)

Testimony revealed that certain Government witnesses testified pursuant to a plea bargain/agreement.

This testimony should be examined by you with greater care than the testimony of an ordinary witness.

You should consider that testimony and whether it is being affected by his personal interest, his personal advantage, any prejudice he might have against Sean Murphy or any personal antagonism he might have.

Only after you weigh the above, can you give his consideration the proper weight it deserves.

Respectfully submitted,

 s/David J. Graeff
David J. Graeff #0020647
P.O. Box 1948
Westerville, Ohio 43086
Phone: (614) 226-5991
Trial Counsel for Defendant
Sean Murphy

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was delivered to Salvador A. Dominguez, Assistant United States Attorney. 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215, this 3rd day of October, 2011.

s/David J. Graeff
David J. Graeff #0020647
Trial Counsel for Defendant
Sean Murphy

It is respectfully asserted that each of these letters are unfairly prejudicial to Sean Murphy.

Respectfully submitted,

s/David J. Graeff
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Trial Counsel for Defendant
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Trial Counsel for Defendant
Sean Murphy